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5           UNITED STATES DISTRICT COURT  
6           WESTERN DISTRICT OF WASHINGTON  
7           AT TACOMA

8           LENIER RENE AYERS,  
9           Plaintiff,

10           v.  
11           RANDAL GRIFFITH, et al.,  
12           Defendants.

Case No. C08-5390BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

13       This matter comes before the Court on the Report and Recommendation of the  
14 Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 126) and Plaintiff's  
15 objections to the Report and Recommendation (Dkt. 136).

16       Judge Strombom recommends granting Defendant Randal Griffith's motion for  
17 summary judgment (Dkt. 102), concluding that Plaintiff failed to present any evidence that  
18 Mr. Griffith was deliberately indifferent to his medical needs.

19       On July 10, 2009, Plaintiff filed objections to the Report and Recommendation. Dkt.  
20 136. Plaintiff claims that Mr. Griffith acted with deliberate indifference by failing to provide  
21 Plaintiff's requested treatment for his hepatitis. Plaintiff claims that Mr. Griffith  
22 demonstrated deliberate indifference by failing to send him to an "outside provider," by  
23 scheduling him for physical therapy appointments that were not available because of  
24 equipment deficiencies and staff shortages, and by refusing to provide the requested  
25 treatment. Plaintiff also claims that the Special Commitment Center failed to hire reliable  
26 personnel, and makes additional allegations regarding the resources and care at SCC.

27  
28 ORDER – 1

1 Plaintiff's arguments alleging deliberate indifference on the part of Mr. Griffith were  
2 properly addressed in the Report and Recommendation. Judge Strombom properly  
3 concluded that Plaintiff failed to provide any evidence that Mr. Griffith was deliberately  
4 indifferent to Plaintiff's needs, and the Court adopts this conclusion. *See* Dkt. 126, 5-8. In  
5 addition, Plaintiff's general allegations about care at the SCC are not relevant to his specific  
6 claims against Mr. Griffith.

7 The Court having considered the Report and Recommendation, Plaintiff's objections,  
8 and the remaining record, does hereby find and order:

- 9 (1) Plaintiff's objections are **OVERRULED**;
- 10 (2) The Court adopts the Report and Recommendation;
- 11 (3) Plaintiff's claims against Defendant Griffith are **DISMISSED WITH**  
12 **PREJUDICE**; and
- 13 (4) This case is re-referred to Judge Strombom.

14 DATED this 27<sup>th</sup> day of July, 2009.

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18 BENJAMIN H. SETTLE  
19 United States District Judge  
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